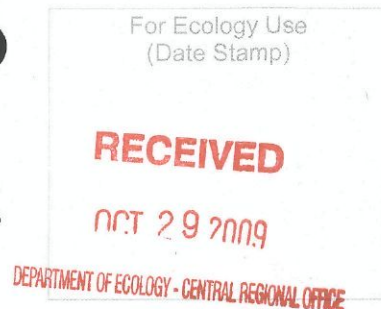




State of Washington
Application for a Water Right Permit

☒ SURFACE WATER ☐ GROUND WATER
☐ Permanent ☒ Temporary ☐ Short Term



Follow the attached instructions. Attach additional sheets as necessary.

A NON-REFUNDABLE MINIMUM FEE OF \$50.00 PAYABLE TO
THE DEPARTMENT OF ECOLOGY MUST ACCOMPANY THIS APPLICATION.

Section 1. APPLICANT

Applicant/Business Name: Washington State Department of Transportation Brian White, Assistant Regional Administrator South Central Region	Phone No: 509-577-1700	Other No:
Address: P.O. Box 12560		
City: Yakima	State: WA	Zip: 98909
Email Address (optional): WhiteB@wsdot.wa.gov		

Contact Name (if different from above): Jason W. Smith, Environmental Manager Washington State Department of Transportation South Central Region I-90 Project Office	Phone No: 509-577-1750	Other No:
Relationship to Applicant: Point of Contact		
Address: P.O. Box 12560		
City: Yakima	State: WA	Zip: 98909
Email Address (optional): SmithJW@wsdot.wa.gov		

Section 2. STATEMENT OF INTENT

Briefly describe the purpose of your proposed project: **Construction of Phase 1 of the I-90 Snoqualmie Pass East Project (I-90 Project), a portion of Interstate 90 between Milepost 55 and 61. [See Maps-Attachment 1]**

Anticipated length of time to complete your project: **2010 – 2015**

Water Use List all purposes for which water will be applied to a beneficial use and list quantity required for each.

Purpose(s) of Use	Rate (check one box only) √ Cubic Foot per Second (CFS)	Acre-Feet per Year (AF/YR) (If known)	Period of Use (Seasonal)
Highway Construction (Dust control (80%); embankment compaction, road materials and processing, equipment washout 20%)	Varies	116	April 1- October 31
Landscape watering associated with roadside and mitigation site plant establishment post highway construction	Varies	2	April 1- October 31
TOTAL	1.75 cfs ^{Note 1}	118 ^{Note 2}	

Note 1: The project water needs will vary depending on construction activity. The PODs will be metered and monitored so that the total instantaneous demand of the Trust Water Right will not be exceeded

Note 2: This amount is based on a peak construction year (2012).

Water Use. Listed above, WSDOT estimated the rate of diversion and annual quantity of water needed for the peak year of construction, which is 2012. The following table provides the

54-35264

WRIA: 39 Kittitas

estimated monthly quantity needed for each year of the 6-year construction project. WSDOT requests approval to use the equivalent amount of the consumptive use determined for the trust water right for the construction period of 2010 through 2015.

<i>Estimated Construction Water Needs – First 5 Miles (Phase 1) (acre-feet)</i>							
Year	May	June	July	August	September	October	Total
2010	5	13	13	10	12	5	58
2011	12	18	24	16	13	10	93
2012	12	21	31	22	20	10	116
2013	9	14	23	25	16	13	100
2014	5	7	14	17	14	5	62
2015	5	7	10	12	8	5	47
Total							476

Method of operation and use. Upon entering into a construction contract and verification of the above water need estimates with the contractor, WSDOT, in coordination with its contractor, will provide Ecology and the US Bureau of Reclamation an annual update for the projected water usage for the upcoming year, as well as specifics about the methods of operations for water diversion, point of diversion locations, and water storage within the reservoir that may occur during a season, each of which is subject to storage control requirements and the conveyance agreement drafted by Ecology and WSDOT for participation on the WSDOT/USBR exchange agreement [August 2009]. Any unused portion of the trust water right will remain in the trust to benefit instream flow.

WSDOT or its contractors will not individually or cumulatively exceed the maximum instantaneous demand of 1.75 cfs or the annual consumptive use quantity established for the trust water right. The estimated water need of 116 acre feet per year will not exceed the estimated 118 CU currently under review and validation by Ecology upon issuance of the pending trust application Record of Examination. Because more than one point of diversion may be used at the same time, the contractor will be given maximum diversion rates and quantities to adhere to. This may result in either a periodic diversion to a holding tank whereby the contractor would then fill the water trucks for use in various parts of the project as needed, or a lower, constant rate of diversion that keeps the storage tanks full. The diverted water will be metered and monitored to ensure compliance.

Purposes of Use. Approximately 80% of the water will be used for dust control in the project area adjacent to Keechelus Lake (water source) which should be considered a non-consumptive use. The remaining water use will be for irrigation of restoration and replanting of roadside areas and mitigation sites, and transportation construction project-related uses, such as embankment compacting, gravel processing and equipment washout.

Associated Environmental Actions.

The following summary of regulatory actions associated with the proposed water diversion from Keechelus Lake is provided. WSDOT has sought and received regulatory approval of the proposed activity from key regulatory agencies. Specific details regarding methods, operations and locations of diversion must be provided to applicable agencies.

National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA). WSDOT identified construction water needs for the highway construction project in the *I-90 Snoqualmie Pass East Final Environmental Impact Statement and Section 4(f) Evaluation (Final EIS)* (copy attached) in compliance with NEPA and SEPA. The Final EIS was issued in August, 2008 and is in good standing with no NEPA or SEPA appeals filed. The Final EIS (Water Resources, Page 3-46) identifies WSDOT's intent to acquire or lease water rights for the construction project from properly permitted sources with valid water rights and upon approval of Ecology. No impacts to groundwater or surface water or impairment of existing water rights would result. *Construction Water Needs Technical Memorandum* (Page 2, Appendix Y, Final EIS) identifies the quantity of water need for the phases of construction and temporary surface water withdrawal from Keechelus Lake. The specific locations for withdrawal or diversion from the reservoir were not identified at that time but were presumed to be subject to construction phasing, contractor requirements and regulatory restrictions. [See Attachment 3]

Endangered Species Act. WSDOT identified water diversions as part of the project action in the Biological Assessment submitted to the federal and state regulatory agencies. See Final EIS Appendix M, Biological Assessment (BA). A Biological Opinion was issued by US Fish and Wildlife Service in which they conditioned water withdrawals for the project. This condition requires WSDOT to complete a withdrawal plan that is protective of fish and wildlife resources [See Attachment 4].

Washington State Hydraulic Code. WSDOT has received a hydraulic permit approval (HPA) for the highway construction project for and also for Phase IB activities starting in 2010 that includes proposed water diversions from Lake Keechelus and is subject to this application (copy enclosed). Please note that the highway construction currently underway in 2009 (Phase IA) that does not involve water diversion from Keechelus Lake. [See Attachment 4].

Short Term/Temporary Water Use

Is this a request for a short term project (less than four months and non-recurring)? ☐ YES ☒ NO

Is this request for a temporary permit? ☒ YES ☐ NO

If yes to either question above, indicate the dates that the water will be needed:

FROM: April 1, 2010 TO: October 31, 2015.

Section 3. POINT OF DIVERSION OR WITHDRAWAL

Complete A or B, and C below

A.) If Surface Water Source	B.) If Ground Water Source
<input type="checkbox"/> Spring <input type="checkbox"/> Creek <input type="checkbox"/> River <input checked="" type="checkbox"/> Lake <input type="checkbox"/> Other: _____ Source Name: <u>Keechelus Lake</u> Tributary to: <u>Yakima River/Columbia River</u> Number of proposed diversion points: <u>2-3 per year for I-90 Project [See Attachment 1]</u> Do you have an existing diversion? YES X NO The source of water applied for is the Lakeside Towncenter Associates LLC, Court Claim 00366, currently pending transfer to the Washington Trust Water Rights Program and subject to the August 2009 DRAFT Conveyance agreement between Ecology and WSDOT.	<input type="checkbox"/> Well(s) <input type="checkbox"/> Other: _____ _____ Well diameter & depth: _____ Number of proposed points of withdrawal: _____ Do you have an existing well? <input type="checkbox"/> YES <input type="checkbox"/> NO If available, attach Water Well Report and pump test. Well Tag ID No. _____

C.) Point of Diversion/Withdrawal – Legal Description

Parcel No.	¼	¼	Section	Township	Range	County
N/A – Interstate 90 right-of-way		SW	14	22N	11	Kittitas
N/A – Interstate 90 right-of-way		SE	15	22N	11	Kittitas
N/A -USFS Boat ramp		NE, NW, SW, SE	22	22N	11	Kittitas
N/A – Interstate 90 right-of-way		NW, SW	23	22N	11	Kittitas
N/A – Interstate 90 right-of-way		NW, SW, SE	26	22N	11	Kittitas
N/A – Interstate 90 right-of-way		NE NW, SE	27	22N	11	Kittitas
N/A – Interstate 90 right-of-way		NE	34	22N	11	Kittitas
N/A – Interstate 90 right-of-way		NE, NW, SW, SE	35	22N	11	Kittitas
N/A – Interstate 90 right-of-way		NE, NW, SW, SE	1	21N	11	Kittitas
N/A – Interstate 90 right-of-way		NE, NW, SW, SE	2	21N	11	Kittitas
N/A – Interstate 90 right-of-way		NE	11	21n	11	Kittitas
N/A – Interstate 90 right-of-way		NE, NW, SW, SE	12	21N	11	Kittitas
N/A – Interstate 90 right-of-way		NW, SW	10	21N	12	Kittitas

If known, enter the distances in feet from the point of diversion or withdrawal to the nearest section corner: _____ Feet (☐ North/☐ South) and _____ feet (☐ East/☐ West)
from the (☐NW ☐SW ☐NE ☐SE ☐ _____) corner of Section_____.

The contractor will place one or more temporary points of diversion to be used for one or more construction seasons depending on the construction activities and locations for a particular year, accessibility to the diversion points, and reservoir levels, all of which are subject to WDFW, USFWS, USFS and USBR requirements and restrictions, including locational restrictions from regulated wetlands, cultural resource sensitive areas, and 200 feet from creek inlets to Keechelus Lake. WSDOT requests flexibility in identifying the location of the temporary points of diversion which will be determined by the contractor based on construction staging and sequencing, and upon approval by regulatory agencies.

As shown on the attached map, one area identified for water diversion is an approximately 5-mile section adjacent to the existing highway along Keechelus Lake. In this area, the highway will be widened and/or temporary construction areas will be established towards the lake. WSDOT's contractor could locate storage tanks and diversion systems in these areas of planned disturbance and activities without resulting in additional disturbance. The convenient location for diversions adjacent to the work site would significantly lessen trucking costs and ancillary impacts to adjacent habitats to haul water to the construction site. The alternative area would be the existing boat launches managed by the US Forest Service located off of Forest Service Road 9030. This area would most likely be used as a contingency if the work activities next to the existing highway preclude water access.

NOTE: If more than two points of diversion/withdrawal attach additional information on a separate sheet of paper.

Do you own the land on which the proposed point of diversion/withdrawal is located? ☐ YES ☒ NO
If no, do you have legal authority to make this application for use of another's land? ☒ YES ☐ NO
Provide the owner name(s), address, and phone number:

USFS Forest Service, 802 W. 2nd St. Cle Elum, WA 98922. 509-852-1100; Attention: Patty Garvey-Darda. See attached easement agreement between USFS and Federal Highway Administration (FHWA) which specifies the area for highway construction and maintenance. The I-90 Project is located within this boundary or within nearby leased or permitted staging and stockpiling sites.

US Bureau of Reclamation: 1917 Marsh Road, Yakima, WA 98901. (509)575-5848 [See Attachment 2]

Section 4. PLACE OF USE

Attach a copy of the legal description of the property (on which the water will be used) taken from a real estate contract, property deed or title insurance policy, or copy it carefully in the space below.

The Phase 1 project area exists within the boundary of Interstate 90 between MP 55 and MP 61 that are identified in Section 3C, Points of Diversion above. Also, use of approved staging areas located within the US Forest Service boundaries (Okanogan-Wenatchee National Forest), WA State Parks, and private land is planned. The place of use of the water is the highway construction project and these associated staging, stockpiling and processing sites.

The limits of the highway right-of-way have been updated to reflect the new alignment. The USFS and USBR has/will also provided a letter of authorization to WSDOT for place of use and access to the diversion points. Please note that the USFS is the land manager with jurisdiction of both upland and the lake bottom while the USBR has jurisdiction on the reservoir water and storage management, as well as all fee title lands held by USBR.

¼	¼	Section	Twp.	Range	County	Parcel No./Site name/Ownership
						SEE ALSO LIST FROM SECTION 3C
	SE	9	22N	11 EWM	Kittitas	647835 (portion) CNL Income Snoqualmie LLC Privately owned
	NE, SE	15	22N	11	Kittitas	n/a Gold Creek area USFS
	NW	15	22N	11	Kittitas	n/a Hyak -I-90 Interchange FHWA right-of-way
	SE	15	22N	11	Kittitas	28335 Hyak Maintenance Facility WSDOT
	NE, SE	35	22N	11	Kittitas	n/a Slide Curve staging/stockpiling area FHWA right-of-way
	SE NE	10, 15	21N	12	Kittitas	n/a Price Creek Interim Rest Area and Sno-park FHWA right-of-way
	NE SE	14, 24	21N	12	Kittitas	n/a Stampede Pass Interchange and maintenance area FHWA right-of-way
	SE NE	15, 23	21N	12	Kittitas	10697 Crystal Springs Sno Park WA State Parks
	SW	14	21N	12	Kittitas	n/a Crystal Springs Campground USFS

Do you own all the lands on which the proposed place of use is located? ☐ YES ☒ NO. See easements and agreements with USFS, WA State Parks, and private parties.

If no, do you have legal authority to make this application for use of another's land? ☒ YES ☐ NO
Provide owner name(s), address, and phone number USFS, 802 W. 2nd St., Cle Elum, WA 98922. 509-852-1100. USBR, 1917 Marsh Road, Yakima, WA 98901. (509)575-5848.

Are there any other water rights or claims associated with this property or water system? ☐ YES ☒ NO
If yes, provide the water right and/or claim numbers: Numerous Yakima Project rights and claims stored in Keechelus Lake and managed by the USBR.

Attach a map of your project showing the point of diversion/withdrawal and place of use. If platted property, be sure to include a complete copy of the plat map.

Section 5. WATER SYSTEM DESCRIPTION

Describe your proposed water system (include type and size of devices used to divert or withdraw water from source): WSDOT's contractor would temporarily place one or more upland or floating water pumps in or near Keechelus Lake in locations approved by regulatory agencies and also based on lake levels and areas of construction. A water tank would be placed upland of the points of diversion for access by water trucks. The pump and pipe size will meet standard specifications and the diversion rate capped at the maximum CFS instantaneous demand and annual water quantity allowed by the trust water right. The inlet will meet fish and wildlife requirements for screening and diffusion.

Section 6. DOMESTIC WATER SUPPLY SYSTEM INFORMATION

Complete A or B, and C below N/A

A.) Domestic Water Systems only	B.) Municipal Water Systems only <i>(defined under RCW 90.03.015)</i>
Projected number of connections to be served: _____	Present population to be served water: _____
Type of connections: _____ <i>(e.g., home, recreational cabin)</i>	Estimate future population to be served: _____ (20 year projection)
C.) Water System Planning	

Section 7. IRRIGATION/STOCKWATER/OTHER FARM USES

Irrigation
Total number of acres requested to be irrigated under this application = **Not applicable. WSDOT will water roadside and restoration areas after plantings occur. WSDOT will monitor revegetated or newly planted areas for at least 3 years and up to 10 years at some restoration sites after planting to ensure survival.**

NOTE: Outline the area to be irrigated on your attached map.

Stockwater
List number and kind of stock: N/A
Is the proposed project for a dairy farm? ☐ YES ☐ NO

Other Proposed Farm Uses
Describe all proposed uses: N/A

Family Farm Water Act (RCW 90.66): N/A

Calculate the acreage in which you have a controlling interest, including only:

- Acreage irrigated under water rights acquired after December 8, 1977,
- Acreage proposed to be irrigated under this application, and
- Acreage proposed to be irrigated under other pending application(s).

Is the combined acreage under existing rights greater than 6000 acres? ☐ YES ☐ NO

Do you have a controlling interest in a Family Farm Development Permit? ☐ YES ☐ NO
If yes, enter Permit No: _____

Section 8. OTHER WATER USES

Hydropower

Indicate total feet of head N/A and proposed capacity in kilowatts: _____
Describe works: _____
Indicate all uses to which power is to be applied: _____
FERC License No: _____

Mining/Industrial Use: Describe use, method of supplying and utilizing water: N/A

Other Use: Highway Construction

Section 9. WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water? ☐ YES ☒ NO
Are you proposing to store more than 10 acre-feet of water? ☐ YES ☒ NO
Will the water depth be 10 feet or more? ☐ YES ☒ NO
If you answered yes to any of the above questions, please describe: _____

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point and some portion of the storage will be above grade, you must also complete an Application for Permit to Construct a Reservoir and a Dam Construction Permit and Application.

Section 10. DRIVING DIRECTIONS

Provide detailed driving directions to the project site: I-90 Project is located between MP 55 and MP 61 on Interstate 90, Kittitas County, WA.

Site Address: Interstate 90, Kittitas County, WA

Section 11. REQUIRED SIGNATURES

I certify that the information provided in this application is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though the employees of the Department of Ecology may have assisted me in the preparation of the above application, all responsibility for the accuracy of the information rests with me, the applicant.

<u>W. Brian White</u>	<u></u>	<u>10/27/09</u>
Print Name	Signature	Date
(Applicant or authorized representative)		

<u>See attached easement agreements, letters</u>	_____	_____
Print Name	Signature	Date
(Landowner of Place of Use)		

_____	_____	_____
Print Name	Signature	Date
(Landowner of Place of Use)		

_____	_____	_____
Print Name	Signature	Date
(Landowner of Place of Use)		